

**ENTERED**

August 09, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

ESTEBAN CRUZ,

Plaintiff,

VS.

STATE FARM LLOYDS,

Defendant.


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CIVIL ACTION NO. 2:18-CV-203

**ORDER**

Before the Court is Defendant's Motion for Partial Dismissal (D.E. 2). On August 8, 2018, Plaintiff timely filed an amended complaint (D.E. 9), which does not reference the earlier complaint (D.E. 1-1, pp. 2-13). "An amended complaint supersedes the original complaint and renders it of no legal effect unless the amended complaint specifically refers to and adopts or incorporates by reference the earlier pleading." *King v. Dogan*, 31 F.3d 344, 346 (5th Cir. 1994) (citing *Boelens v. Redman Homes, Inc.*, 759 F.2d 504, 508 (5th Cir.1985)). A Rule 12(b)(6) motion addressed to a superseded complaint is moot. *See generally, Van Deelen v. Cain*, 628 F. App'x 891, 900 (5th Cir. 2015) (noting that prior motions to dismiss had been mooted by prior amended complaints). *See also, Maxim Integrated Prod., Inc. v. State Farm Mut. Auto. Ins. Co.*, No. SA-14-CV-1030-XR, 2015 WL 10990119, at \*1 (W.D. Tex. Feb. 12, 2015) (citing *Merritt v. Fogel*, 349 F. App'x 742, 745 (3d Cir. 2009)). Consequently, the Court TERMINATES AS MOOT Defendant's Motion to Dismiss (D.E. 2).

ORDERED this 9th day of August, 2018.

  
NELVA GONZALES RAMOS  
UNITED STATES DISTRICT JUDGE